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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,712	10/16/2000	Guido Reeck	P-00,1260	4663

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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

THOMPSON, GREGORY D

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/581,712

Applicant(s)

REECK ET AL.

Examiner

Gregory D Thompson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on RCE filed on 12/01/2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 and 19 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8, 10-14 and 16-19 is/are rejected.
- 7) ☒ Claim(s) 6, 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/5 and 12/1/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. The 102(e) rejection using Kawakita of claims 1, 7-8 is withdrawn per remarks on pages 6-7 of response filed 12/01/03. The filter 16 is not arranged in an the in take opening 12b.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-8, 10-14, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over <sup>G</sup>Ghorbani et al in view of Kobayashi, German '541 and Cope et al.

Ghorbani discloses an outside single housing with numerous inlets/ outlets for telecommunications equipment or subassemblies with filters 34 and 38 to filter air and water entering the inlets 26 to provide excellent subassembly operation.

Ghorbani does not disclose a single filter as appears to be the argument by applicants. However, applicant's disclosure only refers to a membrane filter with no specific structure of the membrane filter disclosed.

Kobayashi discloses a single air filter composed of multiple layers, each providing different filter functionalities (water repellent, water absorbent and dust removal). It appears from col. 4, lines 59-65 appears to mean some other layers stacked on layer B or layer A upstream would provide surface filtering of dust. The claims use the language of "comprising" which is open loop language. Thus, the layered filter of Kobayashi would surface filter dust and filter water regardless of how many layers compose the filter. The porous membrane water-repellent layer A would

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clearly filter the water which would have some dust particles adhered to the water droplets thus filtering the water droplets and some dust the same time. Therefore, one skilled at the time of the invention was made could obviously replace the filters 34 and 38 with one filter as taught by Kobayashi to surface filter some duct and water from the air to provide a filter with less parts to provide particle free filtered air for excellent cooling an operation of the subassemblies to avoid operational breakdown in Ghorbani.

Ghorbani does not disclose or teach an air guide. German '541 discloses an air guide 8 underneath and/or above components 2 to guide air to cool (shield) components 2. Therefore, it is considered obvious to one skilled at the time of the invention to place an air guide 8 underneath and/or above the subassemblies in Ghorbani to guide the air to cool the subassemblies to provide excellent cooling to avoid subassembly breakdown and to shield/protect the subassemblies from damage to avoid subassembly breakdown.

Ghorbani does not disclose or teach a control device to control fan speed. Cope et al discloses controlling the fan speed in response to temperature increase by a device in Fig. 3.

Therefore, considered obvious to one skilled at the time of the invention to place the control device in the single housing of Ghorbani to control the fan 50 speed as a function of temperature to provide excellent air flow to cool the subassemblies to avoid subassembly breakdown.

3. Claims 6, 15 are would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

No art cited teaches nor suggest a control device that controls the cooling device to reverse the airflow to free particles on the filter. Keep a clear line between claims 18-19.

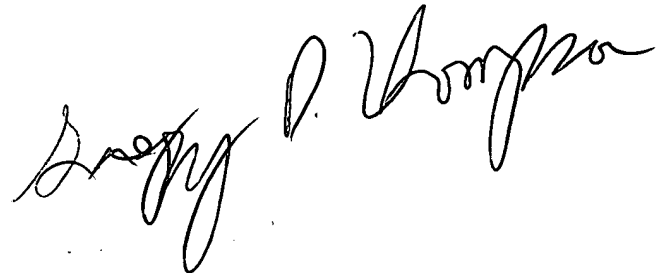
4. Claims 18-19 are allowed.

No art cited teaches or suggest the combination in claims 18-19 along with the air flow being reserved.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory D Thompson whose telephone number is (571)272-2045. The examiner can normally be reached on Mon-Thurs from 6:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Schubert E Darren, can be reached on (571)272-2800 ext 35. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

A handwritten signature in black ink, reading "Gregory D. Thompson". The signature is written in a cursive, flowing style with a large, prominent "G" and "T".